

California and Western Medicine

Owned and Published by the
CALIFORNIA MEDICAL ASSOCIATION
Official Organ of the California and Nevada Medical Associations
 FOUR FIFTY SUTTER, ROOM 2004, SAN FRANCISCO

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Subscription prices, \$5.00 (\$6.00 for foreign countries); single copies, 50 cents.

Volumes begin with the first of January and the first of July. Subscriptions may commence at any time.

Change of Address.—Request for change of address should give both the old and the new address. No change in any address on the mailing list will be made until such change is requested by county secretaries or by the member concerned.

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EDITORIALS*

CALIFORNIA'S NEW CLINIC LAW

Title of California Clinic Bill.—In the Miscellaneous department of this number of CALIFORNIA AND WESTERN MEDICINE appear the opinion and interpretations of the Hon. U. S. Webb, Attorney General of the State of California, on certain phases of California's new clinic statute (Assembly Bill No. 1277, Chapter 765, approved by Governor James Rolph, Jr., June 5, 1933). The title of this measure reads as follows:

"An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act."

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State Board of Health to Supervise the Clinics.—When Governor Rolph signed this new statute, the Board of Public Health of California, at its first subsequent meeting, placed the item on its

* Editorials on subjects of scientific and clinical interest, contributed by members of the California Medical Association, are printed in the Editorial Comments column, which follows.

docket for consideration. Letters were also sent to members of the California Medical Association who had been especially interested in the passage of the measure, asking for suggestions regarding fees to be charged, and so on. It early became evident to the State Health Board that it was desirable to secure from the Attorney General an opinion on some of the provisions of the Act, concerning which differences of opinion in interpretation might easily arise. A letter formulating such queries was thereupon dispatched by the board; and the reply of the Attorney General is printed on page 214 of this issue.

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State Attorney General Webb's Opinion.—A perusal of Attorney General Webb's opinion reveals how difficult it is to secure the enactment of laws in such simple and direct form that confusion and controversy do not come into question. It must be remembered that the Act as passed, owing to amendments, is quite different in parts from the original draft, as first drawn up by Dr. John Ruddock of Los Angeles and as submitted to the legislature through the California Medical Association Department of Public Relations.

This clinic law is something comparatively new and, like our medical practice acts in the stages of their beginning, may need considerable modification to make it elastically workable and fully practicable.

With the advice, however, which Attorney General Webb and his deputy, Lionel Browne, Esq., have submitted, it will now become possible for the State Board of Public Health to devise ways and means to put the Act into operation. But it is unfortunate that the licensing fee for all clinics is held to the minimum \$5, because this small sum will probably not be sufficient to create a fund through which the various provisions of the Act may be adequately carried out. Section 5 states:

" . . . All existing clinics and dispensaries as herein defined, other than those maintained, conducted and operated by the United States of America, or any department, official, or agency thereof, or clinics maintained by employers without profit for the sole benefit of their own employees, or research clinics working under nonprofit foundation registered with the United States government for tax exemption shall make written application as herein provided for such permit within ninety days from and after the date when this Act goes into effect. Application for permit must be made annually by every such person, firm or corporation maintaining, conducting and operating a clinic and dispensary other than the United States of America or any department, official or agency thereof, or clinics maintained by employers without profit for the sole benefit of their own employees, or research clinics working under nonprofit foundation registered with the United States Government for tax exemption."

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When the Clinic Law Becomes Operative.—This Act, having been signed by Governor James Rolph, Jr., on June 5, by special legislative action, became a law on August 21, 1933. According to the provision in Section 5, just quoted, every clinic, other than those specified, must make written application for a license to operate within ninety days, or before December 5. The opinion

of the Attorney General on whether clinics must pay the \$5 license fee (which he states is the only fee that the State Health Board is legally authorized to demand) for the remaining time in the calendar year 1933 has not yet been received by the board. Whether the board can legally spend other state funds for postage, and print the necessary form blanks upon which clinics are required to make applications for licenses, is also a question still to be passed on. But in any event, the State Board of Health is willing and anxious to put the new law into force as promptly as possible, in so far as the California Department of Finance permits it to act, and to carry out the various provisions of the Act as fully as the moneys received will permit. If deficiencies exist in the new law, they can probably be rectified at the next session of the Legislature.

TWO PAPERS OF SPECIAL INTEREST

Blood Transfusion as Described by Elsholtz.—In the June CALIFORNIA AND WESTERN MEDICINE (page 432) was printed the first of a series of translations of the folio entitled "Clysmatica Nova" from the pen of Johann Sigismund Elsholtz (1632-1688). Elsholtz' work was printed in 1665. The last of the four articles, which are translations by Ethel Gladstone of the University of California Medical School Library, is printed in the Lure of Medical History department of our current number. Attention is called to this dissertation because of the pleasure to be derived from reading the viewpoints of Elsholtz as expressed by him almost three hundred years ago, and also because it is a good discipline for medical men at all times to be reminded of the studies of those who preceded them, and who, with far less of actual scientific and medical knowledge, were yet able to observe keenly, and to think and proceed clearly in their investigations. When physicians of the present generation take into consideration how comparatively recent is the general use of intravenous medication, and how bold seemed the advice for its general use, then the theory and application of intravenous medication, as brought out by Elsholtz in 1665, must indeed appeal as little less than courageous. Readers of CALIFORNIA AND WESTERN MEDICINE who do not avail themselves of the opportunity of reading Gladstone's translation of Elsholtz' almost forgotten work, are denying themselves a rare treat.

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Human Sterilization.—Another very interesting paper in the current issue is the Bedside Medicine article on "Human Sterilization." The contribution of Doctor Butler of Sonoma State Home shows how much has been done by California in this method of treatment of human beings who are mentally defective. The excerpts from one of the publications of the Human Betterment Foundation, also a California institution, shed additional light on phases of this new work which, as time goes on, will probably be accepted more and more as proper treatment, materially aiding

the prevention of an overplus of defective citizens who, if not requiring institutional care calling for enormous sums of money, certainly add little that makes for a higher standard of human beings, either physically or mentally. The symposium and the appended data should provoke stimulating thought and additional discussion; for physicians, because of the nature of their profession, must have more than a passing interest in such matters.

PERSISTENT PROPAGANDA

A Newspaper Defense of Fellow's Dog-Pound Bill.—Some excellent criticisms of antivivisectionists and their methods were outlined by Chester Rowell, Esq., in the article reprinted in the May CALIFORNIA AND WESTERN MEDICINE (page 352). In the number for June (page 475) the legislative battle over Senate Bill No. 674 (Fellom) was described by Dr. Junius B. Harris of Sacramento in his report of the California Medical Association Committee on Public Policy and Legislation. Those presentations speak for themselves, and should appeal to all clear-thinking citizens.

The die-hard character of the antivivisectionists and their supporters, on the other hand, is brought into excellent relief by an editorial in the San Francisco *Examiner* of August 7, a perusal of which shows why an educational campaign is necessary if the propaganda that is seemingly based on mawkish sentimentalism over certain of the lower animals is to be properly counteracted. How and why a great metropolitan daily should give space to the editorial printed below, is something which members of the medical profession find most difficult to understand. The writer for the *Examiner* who penned these editorial paragraphs should read Chester Rowell's comments and then stop, look, listen, and think, before he again contributes a similar effusion to his newspaper. The article referred to, follows:

"DOG-BOOTLEGGING"

"By its failure to pass the Fellow Humane Pound Bill, the State Assembly at its recent session played directly into the hands of a new and atrocious racket.

"The measure was proposed by Senator Fellom to protect pet animals taken to the public pounds and to give their owners full opportunity to recover the impounded animals. One of its chief purposes was to prohibit the traffic in dogs as now practiced by 'dog-bootleggers.' These men, sometimes surreptitiously, sometimes in collusion with pound-masters, make a business of obtaining unclaimed dogs from pounds and selling them to research laboratories. The bill would have provided that such pet animals could not be sold under those circumstances.

"It is curious that Assemblyman Frank L. Crist of Santa Clara County, in which Stanford University is located, was the member who blocked the passage of the bill in the lower house by a parliamentary device. Whether Crist acted deliberately or not, he certainly played into the hands of the 'dog-bootleggers' racket, and his constituents should realize the result of his actions.

"Pet animals, at least, should be protected from this traffic by this humane pound measure. The bill had the support of all humane persons. That an Assemblyman in whose district is situated such a culture center as Stanford University should have been the means of halting its passage is difficult to understand."